

REMARKS

As a preliminary matter, it is believed that the Disposition of Claims section of the Office Action mistakenly identifies claims 9-11, 13-30 and 32-34 as being pending in the current application, when claims 9-11, 13-30 and 32-40 are believed to be pending.

Applicant acknowledges Examiner's indication that Applicant's submission filed in accordance with the Request for Continued Examination has been entered into the record, and that the finality of the previous Office Action has been withdrawn.

The specification has been amended to correct obvious editorial errors. Claims 9, 11, 13-30 and 32 have been amended to correct editorial errors and to more clearly describe the claimed invention. Additionally, The compound (5R),(6Z)-6-[(9-methyl-9H-imidazol-2-yl)methylene]-7-oxo-4-thia-1-azabicyclo[3.2.0]hept-2-ene-2-carboxylic acid was mislabeled as "8-[(9-methyl-9H-imidazol..." rather than "6-[(9-methyl-9H-imidazol..." Support for this amendment can be found in the description of the preparation of the compound of Example 63, page 186-188. Applicants also amended claim 9, step (c) to read "converting the intermediate...and hydrogenating over a catalyst." Support can be found at page 8, lines 17-20.

Support for all of the current amendments can be found in the claims as filed, and in the specification as described below.

Rejection under 35 USC § 112, second paragraph

The Office has rejected claims 11, 15-17, 20, 22, 25, 27 and 32-40 under 35 U.S.C. §112, second paragraph, for alleged indefiniteness. Applicants respectfully traverse the rejection.

The Office Action questions the definition of variables A and B in claim 11. In response, Applicant has amended the claim to more clearly define the claimed subject matter.

Applicants thank the Examiner for the careful attention given this application, and for pointing out that certain combination of variables in several of the structural formulas of the claims that were obviously not intended. In response, Applicant has made the following amendments to the claims:

The definitions of Y1 and Y2 of structure 16-C of claim 15, and Y2 of structure 2-B of claim 17 has been amended to more clearly indicate that nitrogen was not intended;

The definitions of Z1-6 of structure 10-B of claim 25 have been amended to more clearly indicate that O, S and NR1 were not intended;

The definitions of Y3 and Y4 in claims 16, 20 and 27 (structure 12-A of claim 27) have been amended to more clearly indicate that only one of Y3 and Y4 can be nitrogen; and

The definitions of Y2 and Y3 of structure 7-A of claim 22 have been amended to more clearly indicate that only one of Y3 and Y4 can be nitrogen.

Also, the dependency of claim 32 has been amended, and step (e) of that claim has been amended to eliminate the “slash” pointed out by the Office Action. This amendment is supported at page 6, lines 22-24, of the present application.

In view of the preceding discussion and amendments, Applicant respectfully requests reconsideration and withdrawal of these rejections under 35 USC § 112, second paragraph.

Double Patenting

The Examiner has rejected claims 9-11, 13-30 and 32-34 as allegedly being unpatentable over claims 1-20 of U.S. Patent No. 7018997. Applicant will consider the appropriateness of filing a terminal disclaimer upon indication of otherwise allowable subject matter.

Information Disclosure Statement

Applicant acknowledges that the Examiner struck three Chilean patents from the IDS. Applicant notes that these patents were cited in the examination of the corresponding Chilean patent application as defining the general state of the art.

CONCLUSION

Applicants believe that the foregoing constitutes a complete and full response to the Action of record. In view of the above amendments and remarks Applicants respectfully submit that the rejections of record have been overcome, and the pending


Docket No.: AM100905 P1
Application No.: 10/693,315

claims are now in form of allowance. Therefore, allowance of the application on the merits is respectfully requested.

A petition for a two-month extension of time to file this response accompanies this paper. No other additional fees are believed due. However, if any additional fees are found to be due, the Commissioner is hereby authorized to charge the fee required and any additional fees that may be needed to Deposit Account No. 01-1425, in the name of Wyeth.

Respectfully submitted,

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